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ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Written statement* submitted by the Asian Legal Resource Centre (ALRC), a non-governmental organization in general consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[15 January 2002]

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*This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE. *0020104 88*

ENG

Reunion of Kashmiri families

1. Article 10(1) of International Covenant on Economic, Social and Cultural Rights (ICESCR) states that the widest possible protection and assistance should be accorded to the family, which is the natural and fundamental group unit of society. Yet since the 1947 division of Kashmir, families living on either side of the border have been denied the right to reunite.

2. The Line of Control (LOC) established between Indian and Pakistani occupied Kashmir denies Kashmiris the right to freedom of movement, in contravention of article 12(1) of the International Covenant on Civil and Political Rights. The LOC has separated mothers from their children and sisters from their brothers. For many divided families there is a distance of only a few miles between them, but the foreign forces of occupation have not allowed them to meet with their loved ones for the last 54 years. Those able to get permission to cross must travel a circuitous route—sometimes thousands of miles—to cover the distance between them of only a few miles

3. Why are Kashmiris not allowed to travel freely across their land? According to UN resolutions, Kashmir is a disputed territory the future of which must be decided through a fair plebiscite. However the right of families to live together is a humanitarian issue that transcends regional conflict and demands an international response.

4. The Asian Legal Resource Centre calls upon the Commission to initiate all possible efforts for the Kashmiri people to exercise their basic right to freedom of movement. The LOC must be opened to allow divided families to meet each other and permit free movement of Kashmiris across the territory as they wish, irrespective of social and political conditions.

5. The Asian Legal Resource Centre also calls upon the Commission to recognize the right of the Kashmiri people to self-determination—which is the root issue—in accordance with the UN Charter. The Asian Legal Resource Centre draws the attention of the Commission to the resolution of the United Nations Commission for India and Pakistan of 5 January 1949, which denied the Kashmiri people the right to remain an independent nation. This resolution both contravenes the UN Charter and also the internationally recognized definition of self-determination contained in article 1(1) of the ICESCR. Accordingly, the Kashmiri people must be given the right to self-determination in keeping with internationally accepted principles.